

FILED BY *MC* D.C.

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

05 JUN 17 PM 3:49

ROBERT J. DI TROLO  
CLERK, U.S. DIST. CT.  
W.D. OF TN, MEMPHIS

LYNN POLINSKI,

Plaintiff,

vs.

SARA LEE CORPORATION, et al.,

Defendant.

Civ. No. 04-2912-M1/P

ORDER GRANTING DEFENDANT'S MOTION TO  
COMPEL PLAINTIFF'S INITIAL RULE 26 DISCLOSURES

Before the court is defendant's Motion to Compel Plaintiff's Initial Rule 26 Disclosures, filed on May 26, 2005 (dkt #12). In the motion, the defendant asks the court for an order requiring the plaintiff to provide her initial disclosures as required by Fed. R. Civ. P. 26(a)(1) and this court's scheduling order entered on April 15, 2005. According to the defendant, despite its repeated attempts to obtain the initial disclosures from the plaintiff, plaintiff has to date not provided any initial disclosures. These disclosures were due by May 6, 2005, as set forth in the scheduling order. The defendant also requests an award of attorney's fees and expenses for bringing the motion.

Local Rule 7.2(a)(2) requires that

The response to the motion and its supporting memorandum . . . shall be filed within fifteen days after service of the motion and shall be accompanied by a proposed order. Failure to respond timely to any motion, other than one requesting dismissal of a claim or action, may be deemed good grounds for granting the motion.

The plaintiff has not filed a response to the motion to compel, and the time to respond has passed. Therefore, the motion to compel is GRANTED. The plaintiff shall provide the defendant with her initial disclosures within eleven (11) days from the date of this order. The plaintiff is further warned that failure to comply with this court's order shall result in dismissal of the complaint with prejudice.

The defendant's request for attorney's fees and expenses is DENIED at this time. Should plaintiff fail to comply with this court's order, the defendant may renew its request for attorney's fees for bringing this motion as well as any future motion relating to initial disclosures.

IT IS SO ORDERED.



TU M. PHAM  
United States Magistrate Judge

June 17, 2005  
Date



## Notice of Distribution

This notice confirms a copy of the document docketed as number 14 in case 2:04-CV-02912 was distributed by fax, mail, or direct printing on June 20, 2005 to the parties listed.

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Angie Davis  
BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ  
165 Madison Ave.  
Ste. 2000  
Memphis, TN 38103

Bradley G. Kirk  
CARTER STANFILL & KIRK  
25 Natchez Trace Dr.  
Lexington, TN 38351

Maurice Wexler  
BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ  
165 Madison Ave.  
Ste. 2000  
Memphis, TN 38103

Honorable Jon McCalla  
US DISTRICT COURT